

MAR 1 2006
Place On Calendar

HOUSE FILE 2588
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 677)

Passed House, Date 3-13-06 Passed Senate, Date 3-29-06
Vote: Ayes 97 Nays 0 Vote: Ayes 48 Nays 0
Approved April 20, 2006

A BILL FOR

1 An Act relating to the criminal and abuse registry checks
2 required of a person employed by a licensed health care
3 facility.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22

HF 2588

1 Section 1. Section 135C.33, subsection 4, Code 2005, is
2 amended to read as follows:

3 4. a. A Except as provided in paragraph "b", a person who
4 has committed a crime or has a record of founded child or
5 dependent adult abuse shall not be employed in a facility
6 licensed under this chapter unless an evaluation has been
7 performed by the department of human services. If the
8 department of human services determines from the evaluation
9 that the person has committed a crime or has a record of
10 founded child or dependent adult abuse which warrants
11 prohibition of employment, the person shall not be employed in
12 a facility licensed under this chapter.

13 b. A person with a criminal or abuse record who is
14 employed by a facility licensed under this chapter and is
15 hired by another licensee without a lapse in employment shall
16 be subject to the criminal history and abuse record checks
17 required pursuant to subsection 1. If an evaluation was
18 previously performed by the department of human services
19 concerning the person's criminal or abuse record and it was
20 determined that the record did not warrant prohibition of the
21 person's employment and the latest record checks do not
22 indicate a crime was committed or founded abuse record was
23 entered subsequent to that evaluation, the person may commence
24 employment with the other licensee while the department of
25 human services' evaluation of the latest record checks is
26 pending. Otherwise, the requirements of paragraph "a" remain
27 applicable to the person's employment.

28 EXPLANATION

29 This bill relates to the criminal and abuse registry checks
30 required of a person employed by a licensed health care
31 facility in accordance with Code section 135C.33. A health
32 care facility is defined by Code section 135C.1 as a
33 residential care facility, a nursing facility, an intermediate
34 care facility for persons with mental illness, or an
35 intermediate care facility for persons with mental

1 retardation.

2 The bill provides an exception to an existing requirement
3 that a person employed by a licensed health care facility who
4 has a criminal record or a record of founded dependent adult
5 and child abuse cannot be employed by a health care facility
6 unless the department of human services performs an evaluation
7 to determine whether prohibition of the person's employment is
8 warranted. The bill's exception applies only if a person
9 employed by a licensed health care facility is hired by
10 another licensee without a lapse in employment and was
11 previously subject to an evaluation that determined that
12 prohibition of the person's employment was not warranted. If
13 the latest record checks do not indicate a crime was committed
14 or founded abuse record was entered subsequent to that
15 evaluation, the person may commence employment with the other
16 licensee while the department of human services' evaluation of
17 the new record checks is pending.

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

*Kurtenbach
Freeman
Peterson*

HSB 677
HUMAN RESOURCES

HOUSE FILE _____ **02588**
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON UPMEYER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the criminal and abuse registry checks
2 required of a person employed by a licensed health care
3 facility.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22

1 Section 1. Section 135C.33, subsection 4, Code 2005, is
2 amended to read as follows:

3 4. a. A Except as provided in paragraph "b", a person who
4 has committed a crime or has a record of founded child or
5 dependent adult abuse shall not be employed in a facility
6 licensed under this chapter unless an evaluation has been
7 performed by the department of human services. If the
8 department of human services determines from the evaluation
9 that the person has committed a crime or has a record of
10 founded child or dependent adult abuse which warrants
11 prohibition of employment, the person shall not be employed in
12 a facility licensed under this chapter.

13 b. A person with a criminal or abuse record who is
14 employed by a facility licensed under this chapter and is
15 hired by another licensee without a lapse in employment shall
16 be subject to the criminal history and abuse record checks
17 required pursuant to subsection 1. If an evaluation was
18 previously performed by the department of human services
19 concerning the person's criminal or abuse record and it was
20 determined that the record did not warrant prohibition of the
21 person's employment and the latest record checks do not
22 indicate a crime was committed or founded abuse record was
23 entered subsequent to that evaluation, the person may commence
24 employment with the other licensee while the department of
25 human services' evaluation of the latest record checks is
26 pending. Otherwise, the requirements of paragraph "a" remain
27 applicable to the person's employment.

28 EXPLANATION

29 This bill relates to the criminal and abuse registry checks
30 required of a person employed by a licensed health care
31 facility in accordance with Code section 135C.33. A health
32 care facility is defined by Code section 135C.1 as a
33 residential care facility, a nursing facility, an intermediate
34 care facility for persons with mental illness, or an
35 intermediate care facility for persons with mental

1 retardation.

2 The bill provides an exception to an existing requirement
3 that a person employed by a licensed health care facility who
4 has a criminal record or a record of founded dependent adult
5 and child abuse cannot be employed by a health care facility
6 unless the department of human services performs an evaluation
7 to determine whether prohibition of the person's employment is
8 warranted. The bill's exception applies only if a person
9 employed by a licensed health care facility is hired by
10 another licensee without a lapse in employment and was
11 previously subject to an evaluation that determined that
12 prohibition of the person's employment was not warranted. If
13 the latest record checks do not indicate a crime was committed
14 or founded abuse record was entered subsequent to that
15 evaluation, the person may commence employment with the other
16 licensee while the department of human services' evaluation of
17 the new record checks is pending.

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 2588

AN ACT
RELATING TO THE CRIMINAL AND ABUSE REGISTRY CHECKS
REQUIRED OF A PERSON EMPLOYED BY A LICENSED HEALTH
CARE FACILITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 135C.33, subsection 4, Code 2005, is amended to read as follows:

4. a. A Except as provided in paragraph "b", a person who has committed a crime or has a record of founded child or dependent adult abuse shall not be employed in a facility licensed under this chapter unless an evaluation has been performed by the department of human services. If the department of human services determines from the evaluation that the person has committed a crime or has a record of founded child or dependent adult abuse which warrants prohibition of employment, the person shall not be employed in a facility licensed under this chapter.

b. A person with a criminal or abuse record who is employed by a facility licensed under this chapter and is hired by another licensee without a lapse in employment shall be subject to the criminal history and abuse record checks required pursuant to subsection 1. If an evaluation was previously performed by the department of human services concerning the person's criminal or abuse record and it was determined that the record did not warrant prohibition of the person's employment and the latest record checks do not indicate a crime was committed or founded abuse record was entered subsequent to that evaluation, the person may commence employment with the other licensee while the department of

human services' evaluation of the latest record checks is pending. Otherwise, the requirements of paragraph "a" remain applicable to the person's employment.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2588, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2006

THOMAS J. VILSACK
Governor